

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/18/08

HECTOR BOSQUEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE COMMISSIONER  
RAYMOND W. KELLY, COMMANDING OFFICER  
PATROL BOROUGH BROOKLYN SOUTH  
ASSISTANT CHIEF JOSEPH FOX, CAPTAIN PETER  
SIMONETTI, DETECTIVE EDWARD M. MATTERA  
SHIELD NO. 05120, POLICE OFFICERS JOHN DOE #  
1-2,

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISCONTINUANCE**

**07 CV 3928 (VM)**

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about  
May 18, 2007, alleging that defendants violated his constitutional rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's  
allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability;

**WHEREAS**, plaintiff has authorized his counsel to settle this matter on the terms  
set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and  
without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the total sum of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the City of New York and to release the individually named defendants, Raymond Kelly, Joseph Fox, Peter Simonetti and Edward Mattera and any present or former employees or agents of the New York City Police Department and the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

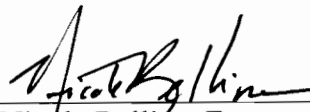
6. This Stipulation and Order contains all the terms and conditions agreed

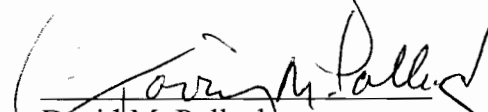
upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

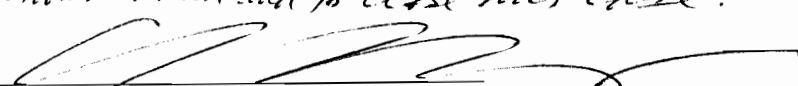
Dated: New York, New York  
March 2008

Nicole Bellina, Esq.  
  
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(212) 788-1894

By:   
\_\_\_\_\_  
Nicole Bellina, Esq.

By:   
\_\_\_\_\_  
David M. Pollack  
Assistant Corporation Counsel

SO ORDERED: 18 March 2008  
*The Clerk of Court is directed to withhold any pending motions herein and to close this case.*  
  
\_\_\_\_\_  
U.S.D.J. Victor Marrero